

# Wal-Mart Stores Inc.

## Fax Coversheet

**Date:** 11/03/20

**From:** DoNotReply@wal-mart.com

**Email:** DoNotReply@wal-mart.com

**To:**

**Fax:** 14792775991

**Subject:** STORE:isp.s03420.us

**Notes:** Confidential Wal-Mart Stores, Inc.

This fax and any files transmitted with it are **CONFIDENTIAL** and intended solely for the individual or entity to whom they are addressed. If you have received this in error please destroy it immediately.



## Email/Fax Coversheet

To: Legal Department/ Central Intake

Contact Name: Nancy Hiotis

Date: 11/03/2020

Store or Club Number: 3420

Fax: 479-277-5991

Date Received: 11/03/2020

Email: Legal@walmartlegal.com

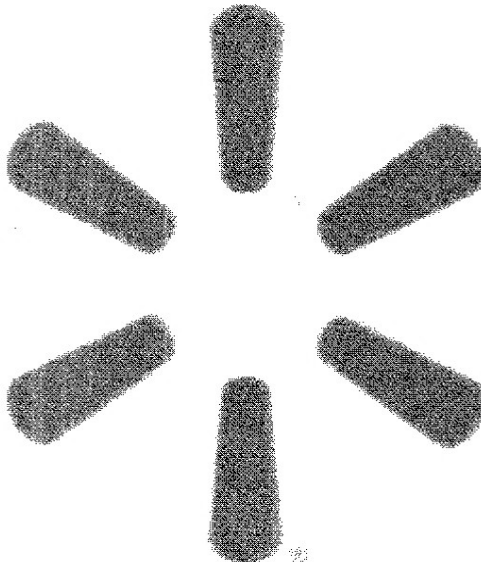
Total Pages: 8 + Cover

Phone: 479-273-4505

Hearing Date: \_\_\_\_\_

Instructions: Fax or email documents with coversheet to the Legal Department, make a copy for your records and mail in the originals to Walmart Legal Department 702 SW 8<sup>th</sup> Street, Bentonville, AR 72716-0215. If you have any questions, please call the Legal Department Operator at 479-273-4505.

Store Comments:



**FILED: QUEENS COUNTY CLERK 10/22/2020 11:31 AM**

NYSCEF DOC. NO. 1

INDEX NO. 719616/2020

RECEIVED NYSCEF: 10/22/2020

OUR FILE#2000294  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

-----X  
AVA OCCHIPINTI

Plaintiff(s),

-against-

WALMART INC.

Defendant(s).  
-----X

Index No.:

Date Purchased: \_\_\_\_\_  
**SUMMONS**

**The basis of venue  
is:  
PLAINTIFF'S RESIDENCE**

**Plaintiff resides  
at:  
145-39 5TH AVE.  
Whitestone, NY 11357**

**County of Queens**

TO THE ABOVE NAMED DEFENDANT(s):

YOU ARE HEREBY SUMMONED to appear in this action by serving a notice of appearance on plaintiff's attorneys within 20 days after service of this summons, exclusive of the day of service, or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, Judgment will be taken against you by default for the relief demanded in the Complaint.

DATED: Flushing, New York  
June 19, 2020  
D/A: 5/24/2020

Walmart Inc  
1200 Old Country Road  
Westbury NY 11590

Yours, etc.,  
MALLILO & GROSSMAN  
Attorney(s) for Plaintiff  
163-09 Northern Blvd.  
Flushing, New York 11358  
(718) 461-6633  
OUR FILE# 2000294

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OUR FILE#2000294  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

-----X  
AVA OCCHIPINTI

Plaintiff(s),

Index No.:

Date Purchased: \_\_\_\_\_  
**VERIFIED COMPLAINT**

-against-

WALMART INC.

Defendant(s).  
-----X

Plaintiff, by her attorneys, MALLILO & GROSSMAN, ESQS, complaining of the defendants herein, respectfully show to the Court and allege:

1. That at all times hereinafter mentioned, the plaintiff, AVA OCCHIPINTI, was and still is a resident of the County of Queens, State of New York.

2. Upon information and belief, that at all times hereinafter mentioned, the defendant, WALMART INC., owned the Premises at issue.

3. Upon information and belief, that at all times hereinafter mentioned, the defendant, WALMART INC., operated the Premises at issue.

4. Upon information and belief, that at all times hereinafter mentioned, the defendant, WALMART INC., maintained the Premises at issue.

5. Upon information and belief, that at all times hereinafter mentioned, the defendant, WALMART INC., managed the Premises at issue.

6. Upon information and belief, that at all times hereinafter mentioned, the defendant, WALMART INC., controlled the Premises at issue.

7. Upon information and belief, and at all times hereinafter mentioned, the defendant, WALMART INC., was and still is a domestic corporation duly organized and existing

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by virtue of the laws of the State of New York, doing business in the State of New York.

8. Upon information and belief, and at all times hereinafter mentioned, the defendant, WALMART INC., was and still is a foreign corporation doing business in the State of New York.

9. Upon information and belief, and at all times hereinafter mentioned, the defendant, WALMART INC., was and still is an unincorporated association doing business in the State of New York.

10. Upon information and belief, and at all times hereinafter mentioned, the defendant, WALMART INC., was and still is a sole proprietorship doing business in the State of New York.

11. That on 5/24/2020, while plaintiff was inside the premises 1220 OLD COUNTRY RD. WESTBURY, NEW YORK, she was caused to sustain serious personal injuries.

12. That on 5/24/2020, the defendant, WALMART INC., its agents, servants and/or employees negligently and carelessly maintained said premises in such a haphazard, negligent manner as to cause the same to become and remain in an unsafe, improper and dangerous condition, which consisted of a trap and nuisance as well as a negligent and improper condition of which the defendant had due notice, or by the use of reasonable care and inspection therein, might and should have had due notice.

13. Upon information and belief, and at all times hereinafter mentioned, it was the duty of the defendant, WALMART INC., its agents, servants, and/or employees to maintain the aforesaid premises in a safe, proper, lawful and careful manner, so that the same would not be dangerous to persons lawfully on said premises and to keep the same from defaults, traps and conditions constituting a danger and menace to person lawfully and properly therein.



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14. That said accident and resulting injuries to the plaintiff were caused solely and wholly by reason of carelessness, recklessness and negligence of the defendant, without any negligence of the plaintiff contributing thereto.

15. That by reason of the premises and wrongful acts and omissions on the part of the defendants as aforesaid, the plaintiff has suffered and will continue to suffer pain and agony in mind and body and was unable to attend to her duties, all to her damage in the sum which exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

WHEREFORE, the plaintiff demands judgment against the defendants in the sum which exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction, together with the costs and disbursements of this action.

Dated: Flushing, New York  
June 19, 2020

MALLILO & GROSSMAN, ESQS.  
Attorney(s) for Plaintiff  
163-09 Northern Blvd.  
Flushing, New York 11358  
(718) 461-6633  
OUR FILE# 2000294

RECEIVED NYSCEF: 10/22/2020

COUNTY OF QUEENS )

**SWORN DEPOSES AND SAYS:**

THAT I AM THE PLAINTIFF IN THE WITHIN ACTION.

THAT I HAVE READ THE FOREGOING COMPLAINT AND KNOW THE CONTENTS THEREOF; THE SAME IS TRUE AND TO MY OWN KNOWLEDGE, EXCEPT AS TO THE MATTERS HEREIN STATED TO AS ALLEGED ON INFORMATION AND BELIEF, AND AS TO THOSE MATTERS I BELIEVE IT TO BE TRUE.

## AVA OCCHIPINTI

SWORN TO BEFORE ME THIS  
8 DAY OF Oct 2020

ROBERTO VIOLA  
Notary Public, State of New York  
No. 01VI6189600  
Certified in Queens County  
Commission Expires 08/30/2021

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OUR FILE# 2000294

Index No.

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF QUEENS

AVA OCCHIPINTI

Plaintiff(s),

-against-

WALMART INC.

Defendant(s).

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**SUMMONS AND VERIFIED COMPLAINT**

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**MALLILO & GROSSMAN, ESQS.**

*Attorneys for Plaintiff(s)*

**163-09 Northern Boulevard**

**Flushing, NY 11358**

**718-461-6633**

**Fax: (718) 461-1062**

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Pursuant to 22 NYCRR 130-1.1A, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

Dated: 10/21/2020

Signature 

**FRANCESCO POMARA, JR., ESQ.**

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TO:



**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS**

-----X  
AVA OCCHIPINTI

Index# 719616/2020

Plaintiff(s),

-against-

WALMART INC.

Defendant(s).  
-----X

**NOTICE OF ELECTRONIC FILING  
(Consensual Case)  
(Uniform Rule §202.5-b)**

You have received this Notice because:

- 1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and
- 2) You are a Defendant/Respondent (a party) in this case.

• **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

• **If you are not represented by an attorney:**

You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

**If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.**

The **benefits of participating in e-filing** include:

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

**To register for e-filing or for more information about how e-filing works:**

- visit: [www.nycourts.gov/efile-unrepresented](http://www.nycourts.gov/efile-unrepresented) or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at [www.nycourts.gov](http://www.nycourts.gov)

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• contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at [www.nycourts.gov](http://www.nycourts.gov)  
To find legal information to help you represent yourself visit [www.nycourthelp.gov](http://www.nycourthelp.gov)

### Information for Attorneys

An attorney representing a party who is served with this notice must either consent or decline consent to electronic filing and service through NYSCEF for this case.

Attorneys registered with NYSCEF may record their consent electronically in the manner provided at the NYSCEF site. Attorneys not registered with NYSCEF but intending to participate in e-filing must first create a NYSCEF account and obtain a user ID and password prior to recording their consent by going to [www.nycourts.gov/efile](http://www.nycourts.gov/efile)

Attorneys declining to consent must file with the court and serve on all parties of record a declaration of consent.

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at [www.nycourts.gov/efile](http://www.nycourts.gov/efile) or contact the NYSCEF Resource Center (phone: 848-388-3033; e-mail: [efile@nycourts.gov](mailto:efile@nycourts.gov)).

  
**FRANCESCO POMARA, ESQ.**  
Name

**MALLILO & GROSSMAN**  
Firm Name

**163-09 Northern Blvd**  
**Flushing, NY 11358**  
Address

**(718) 481-8633**  
Phone

**[fpomara@mgatty.com](mailto:fpomara@mgatty.com)**  
Email

To:

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